

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**BRUCE ELLIS, *doing business*
as Delta Cinema, ET AL.**

PLAINTIFFS

V.

NO. 4:20CV00032-DMB-JMV

CLARKSDALE PUBLIC UTILITIES, ET. AL.

DEFENDANTS

ORDER

Pending on the docket of this case are Plaintiffs' motion [198] for sanctions "[p]ursuant to F.R.C.P. 56(g)" and "[s]upplemental motion [212] in support of Doc. [198]." Having considered the submissions of the parties, the record, and the applicable law, the Court is ready to rule.

Plaintiffs state as follows in their motion:

Plaintiff's [sic] in the above styled cause files [sic] this Motion for Sanctions and respectfully requests the Honorable Court to determine if Defendants named above Defendant City of Clarksdale and Clarksdale Public Utilities by and through its Counsel are: (1) attempt [sic] to deprive the court of jurisdiction by acts of fraud, (2) filing false and frivolous sham pleadings, or (3) attempting by other tactics of delay, oppression, [sic] harassment to force Pro Se Plaintiffs into submitting to Undue Prejudice?"

Doc. [198] at 1.

Rule 56 of the Federal Rules of Civil Procedure provides in relevant part:

(a) Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense--or the part of each claim or defense--on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.

...

(g) Failing to Grant All the Requested Relief. If the court does not grant all the relief requested by the motion, it may enter an order stating any material fact—including an item of damages or other relief—that is not genuinely in dispute and treating the fact as established in the case.

FED. R. CIV. P. 56(a) and (g).

The Court agrees with Defendants that Rule 56(g) does not provide for sanctions. Furthermore, Plaintiffs have provided no facts to support a claim of any misconduct that warrants imposition of sanctions. As best as the Court can discern, Plaintiffs ask the Court to investigate certain filings in the record to determine whether Defendants have violated any laws or rules. Ultimately, because the undersigned finds (even under a liberal construction) Plaintiffs have asserted no basis under the rule they cite or any other authority for imposition of sanctions against Defendants, the instant motion is DENIED as frivolous.

SO ORDERED this 26th day of August, 2021.

/s/ Jane M. Virden
U.S. MAGISTRATE JUDGE